

# MAYOR & COUNCIL AGENDA COVER SHEET

**MEETING DATE:**

August 12, 2003

**CALL TO PODIUM:**

Trudy Schwarz, Community  
Planning Director

**RESPONSIBLE STAFF:**

Trudy Schwarz, Community  
Planning Director

**AGENDA ITEM:**

(please check one)

	Presentation
	Proclamation/Certificate
	Appointment
X	Public Hearing
	Historic District
	Consent Item
	Ordinance Introduction
	Resolution
	Policy Discussion
	Work Session Discussion Item
	Other:

**PUBLIC HEARING HISTORY:**

(Please complete this section if agenda item  
is a public hearing)

Introduced	7/7/2003
Advertised	7/30/2003
Hearing Date	8/18/2003
Record Held Open	
Policy Discussion	

**TITLE:****Abandonment Application AB-56 Public Hearing**

An Ordinance to Abandon 3927 sq. ft. of land dedicated for a 15-foot wide alley adjacent to Lots 10 through 13 and Parcel A, Block 1, in the subdivision known as Russell and Brookes Addition, in the City of Gaithersburg, Montgomery County, Maryland

[Section 19-18 thru 27 of Chap. 19 (Streets & Sidewalks)]

**SUPPORTING BACKGROUND:**

Attached are the Index of Memorandum and exhibits for a request to abandon a 15-foot wide alley adjacent to Lots 10 through 13 and Parcel A, Block 1 in the Russell and Brookes Addition. A map showing the location of the proposed area of abandonment on the west side of Russell Avenue between East Diamond and Brookes Avenues is enclosed.

A portion of the original alley behind what is now the 8 Russell Avenue Condominiums was abandoned in 1985 (AB-26). This part of the alley was not a part of that abandonment request. AB-56 is being requested by the owners of the three adjoining properties to the north of the alley. Exhibit #17 explains the background of the request. There are letters (Exhibits #6 & #14) from Verizon (C&P), the property owner to the west, and the 8 Russell Avenue Condominium Association, the property owner to the south concurring with the abandonment.

After reviewing the proposed abandonment and the staff analysis (Exhibit #16), the Planning Commission, at their August 6, 2003 meeting, recommended approval of the application (Exhibit #18).

Staff will do a one minute introduction, then Mr. Clifford will discuss the request.

**Attachments:**

Map  
Index of Memorandum and Exhibits

**DESIRED OUTCOME:**

Hold record open for 10 days. Schedule for  
Policy Discussion on September 2, 2003

# Abandonment Application AB-56

Alley between 8 and 12 Russell Avenue

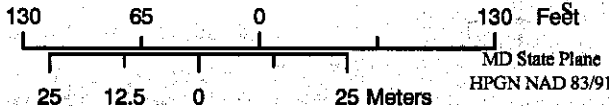


TrueOrtho™ image data is copyrighted and licensed from ISTAR Americas, Inc., 2002. www.istar.com Property boundaries and planimetric basemap ©2003 M-NCPPC and City of Gaithersburg. All rights reserved. Aerial photo acquired March 2002.



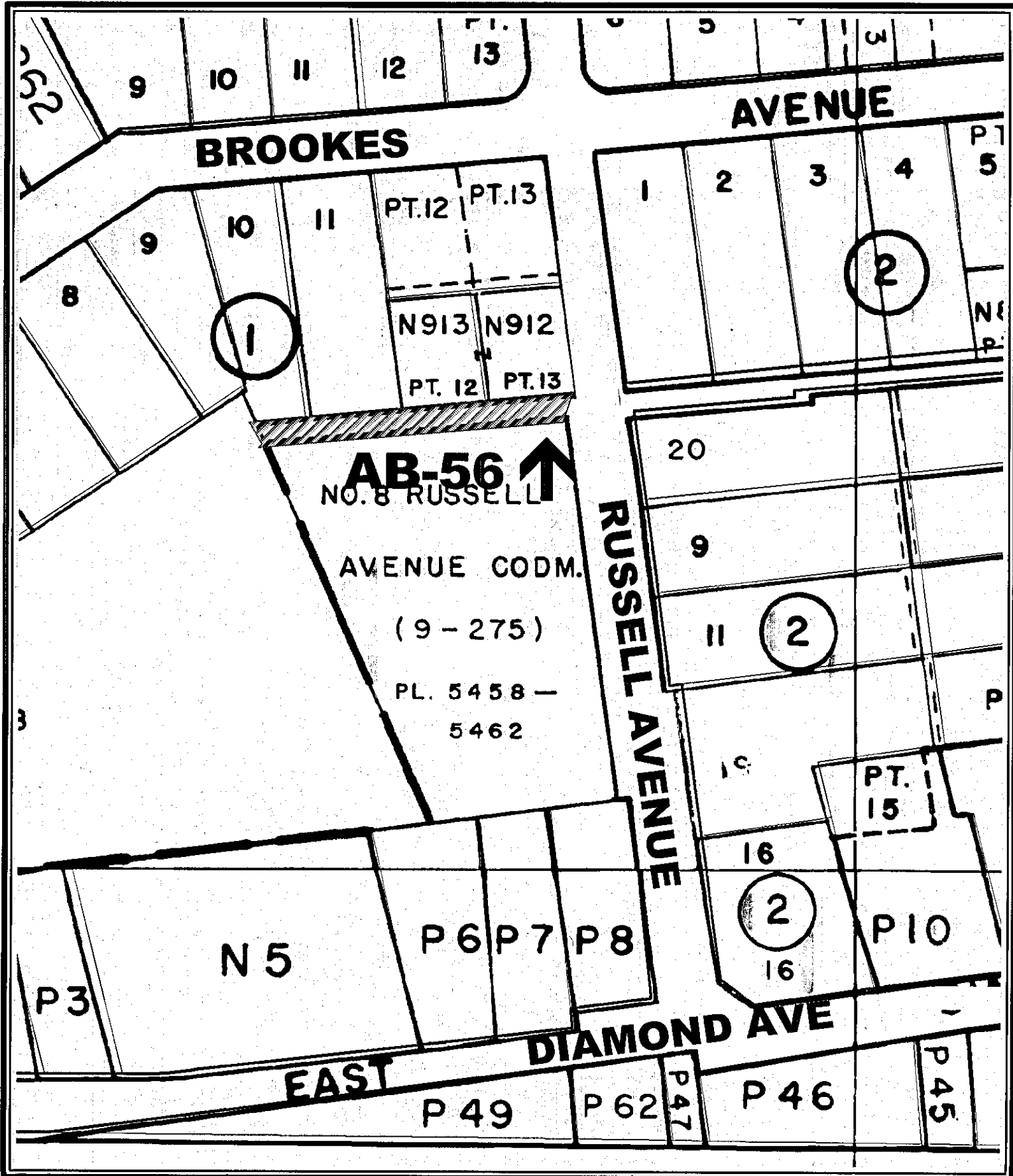
City of Gaithersburg  
Planning and Code  
31 S Summit Ave  
Gaithersburg, MD 20877  
(301) 258-6330  
www.ci.gaithersburg.md.us

1 inch equals 106 feet



ProjectName.mxd · 11-Jan-2003 · jke

The City of Gaithersburg makes no warranty, express or implied, for the completeness and accuracy of the information depicted on this map. This map may not be reproduced, in whole or in part, without the express written permission of the City of Gaithersburg and other referenced parties.



Mayor and City Council  
August 18, 2003

INDEX OF MEMORANDUM  
AB-56

No.

- 1) Application for AB-56
- 2) Receipt of Application Fee for AB-56
- 3) Letter, dated June 16, 2003, from James Clifford, Esq.
- 4) Metes and Bounds Description of abandonment request
- 5) Sketch of Alley proposed to be abandoned in the Russell and Brookes Addition
- 6) Letter, dated May 6, 2003, from Jeffrey A. Salino, Verizon
- 7) List of Notification addresses
- 8) Russell and Brookes Addition to Gaithersburg, Plat 40
- 9) Russell and Brookes Addition to Gaithersburg, Plat 46
- 10) Russell and Brookes Addition to Gaithersburg, Plat 16
- 11) Plat Number 15646, Parcel "A" Block 1 of Russell and Brookes Addition
- 12) Ordinance of Abandonment AB-56
- 13) Notice of Public Hearing as sent on 7-8-03 and labels attached
- 14) Letter, received on July 28, 2003, from Alan Nichols, President, Board of Directors of 8 Russell Avenue Condominium Association
- 15) Letter requesting advertisement of 8-18-03 public hearing in the 7-30-03 issue of the Gaithersburg Gazette
- 16) AB-56 Staff Analysis
- 17) Statement of Basis for Request for Abandonment
- 18) Planning Commission CPC recommending approval of Abandonment AB-56, August 6, 2003

## ABANDONMENT OF PUBLIC RIGHTS-OF-WAY AND EASEMENTS

In accordance with Chapter 19, Article III,  
Section 19-18 thru 27 of the City Code

Application Number	<u>AB-56</u>
Filing Date	<u>6-12-03</u>
Fee Paid	<u>230.00 PD</u>
Legal Ad	<u>7/30/03</u>
P.C. Review	<u>8/6/03</u>
M&C Review	<u>8/18/03</u>
Decision	_____
Date of Decision	_____
Effective Date	_____

SUBJECT PROPERTY See attached TAX ACCOUNT NO. None  
 LOCATION In between 8 & 12 Russell Ave., Gaithersburg, MD

### ABANDONMENT OF

☐ DEDICATED STREET    ☒ ALLEY    ☐ UTILITY    ☐ EASEMENT    ☐ OTHER \_\_\_\_\_  
 WIDTH 15.02 FEET    LENGTH \_\_\_\_\_ FEET    TOTAL SQ. FT./ACREAGE 3,927.45

REASON FOR REQUEST TO ABANDON Subject alley has remained unimproved since its dedication. Applicants each use a portion of the alley adjoining their property as if under their ownership and control.

### APPLICANTS

1. NAME Matthew & Maria Glinsmann TELEPHONE 301-548-0550  
 ADDRESS 12 Russell Avenue, Gaithersburg, MD  
 LOT P12 BLOCK 1 SUBDIVISION Russell & Brooks Add to Gaithersburg TAX ACCOUNT NO. 09-00843171

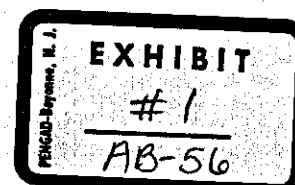
2. NAME Francis P. & W. L. Corrigan TELEPHONE 301-330-4481  
 ADDRESS 21 Brookes Avenue, Gaithersburg, MD  
 LOT 11 BLOCK 1 SUBDIVISION Russell & Brooks Add to Gaithersburg TAX ACCOUNT NO. 09-00843240

3. NAME Mary R. & M.A. Wiencek, Jr. TELEPHONE 240-246-0204  
 ADDRESS 19 Brookes Avenue, Gaithersburg, MD  
 LOT 10 BLOCK 1 SUBDIVISION Russell & Brooks Add to Gaithersburg TAX ACCOUNT NO. 09-00843774

### SUBMISSION REQUIREMENTS

- ☐ Survey with vicinity map.
- ☐ Metes and bounds description.
- ☐ Written consent of owner if applicable.
- ☐ Required fee (fee schedule available at the Planning Department).
- ☐ Record plat (if required).

continued on reverse side



ADJACENT PROPERTY OWNERS OF SUBJECT AREA

1. NAME Verizon  
 ADDRESS 1310 N. Court House Rd.  
Arlington, VA 22201  
 TAX ACCOUNT NO. \_\_\_\_\_

2. NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 TAX ACCOUNT NO. \_\_\_\_\_

3. NAME No. 8 Russell Avenue Condominium  
 ADDRESS 8 Russell Avenue, Unit 311  
Gaithersburg, MD 20877  
 TAX ACCOUNT NO. \_\_\_\_\_

4. NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 TAX ACCOUNT NO. \_\_\_\_\_

5. NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 TAX ACCOUNT NO. \_\_\_\_\_

6. NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 TAX ACCOUNT NO. \_\_\_\_\_

If the right-of-way provides the only access to a property, the applicant shall provide written consent of that property owner along with his name and address specifically identified here:

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_

SIGNATURES OF SPONSORING APPLICANTS

1. Signature	<u>Mary P. Wiencek</u>	Date	<u>6/10/03</u>
2. Signature	<u>M. A. Wiencek, Jr.</u>	Date	<u>6/10/03</u>
3. Signature	<u>Francis P. Corrigan</u>	Date	<u>6-11-03</u>
4.	<u>W. L. Corrigan</u>		<u>6-11-03</u>
5.	<u>Matthew Glinsmann</u>		<u>6/15/03</u>
6.	<u>Maria Glinsmann</u>		<u>6/15/03</u>

CLIFFORD, DEBELIUS, CRAWFORD,  
BONIFANT & FITZPATRICK, CHTD.

ATTORNEYS AT LAW  
Olde Towne Professional Park  
320 East Diamond Avenue  
Gaithersburg, Maryland 20877-3016

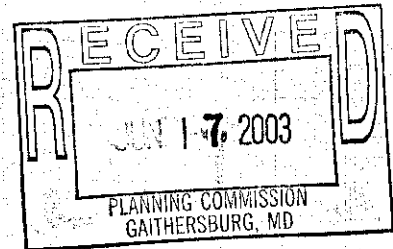
James R. Clifford, Sr. (MD, VA)  
James J. Debelius (MD)  
Gary L. Crawford (MD, DC)  
James A. Bonifant (MD)  
E. Joseph Fitzpatrick, Jr. (MD, DC, TN)

(301) 840-2232

fax (301) 975-9829

John W. Debelius (1926-1984)

June 16, 2003



Trudi Schwartz  
City of Gaithersburg  
Planning and Code Administration  
31 South Summit Avenue  
Gaithersburg, MD 20877

Re: Glinsmann Abandonment

Dear Ms. Schwartz:

Enclosed please find the Abandonment of Public Rights-of-Way and Easement for the Glinsmann Property (formerly the Burdette Property) at 12 Russell Avenue, along with a check in the amount of \$230.00.

Thank you.

Sincerely,

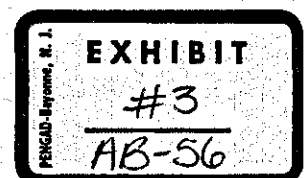
CLIFFORD, DEBELIUS, CRAWFORD,  
BONIFANT & FITZPATRICK, CHTD.

A handwritten signature in dark ink, appearing to be "J.R. Clifford, Sr.", written over the printed name.

JAMES R. CLIFFORD, SR., ESQ.

JRC/dlh  
Enclosure  
cc: Matthew and Maria Glinsmann

G:\DATA\DCD\REALEST\Kao\gburg letter.wpd



**THOMAS A. MADDOX**  
PROFESSIONAL LAND SURVEYOR

Registered to Practice:  
Maryland  
Virginia  
District of Columbia

8933 Shady Grove Court  
Gaithersburg, MD 20877  
(301) 984-5804  
(301) 330-0812  
FAX (301) 984-6865

**Description for part of a 15 foot wide alley adjacent to Lots 10 through 13, Block 1 as shown on the Map of Russell & Brookes Addition To Gaithersburg recorded in Plat Book B at Plat 40 and Parcel A, Block 1 as shown a plat of Russell & Brookes Addition To Gaithersburg recorded in Plat Book 135 at Plat 15646 among the land records of Montgomery County, Maryland and being more particularly described as follows:**

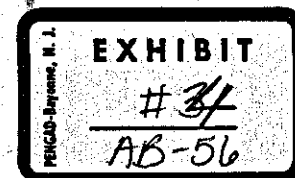
Beginning for the same at the northeast corner of the aforementioned Parcel A Block 1 also being the west right of way line of Russell Avenue and running thence with the north line of said lot, also being the south line of an alley (15 feet wide) shown there; to the northwest corner of said lot and an eastward extension thereof

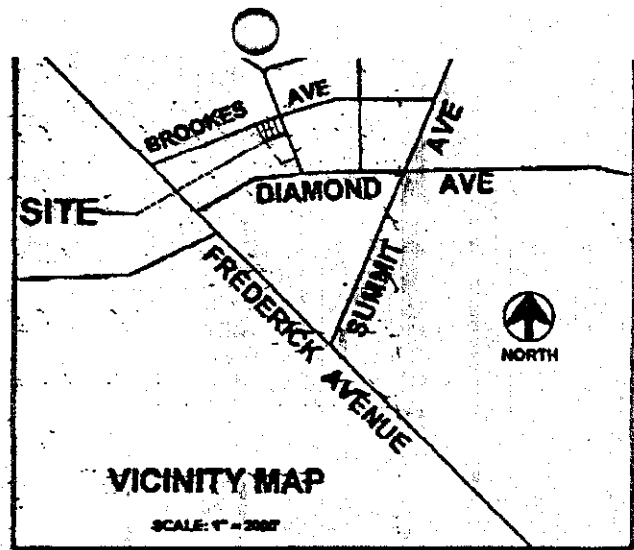
N 87°44'00"W - 259.61 feet to intersect the east line of Lot 18 Block 1 of Russell & Brookes Addition as shown on a plat recorded in Plat Book 96 at Plat 10591 among the aforementioned land records; thence with a part of said east line

N 13°49'50"W - 15.61 feet to the north line of said alley, thence with said north line also being the south line of Lots 10 through 13, Block 1 of the aforementioned Map of Russell & Brookes Addition To Gaithersburg, thence

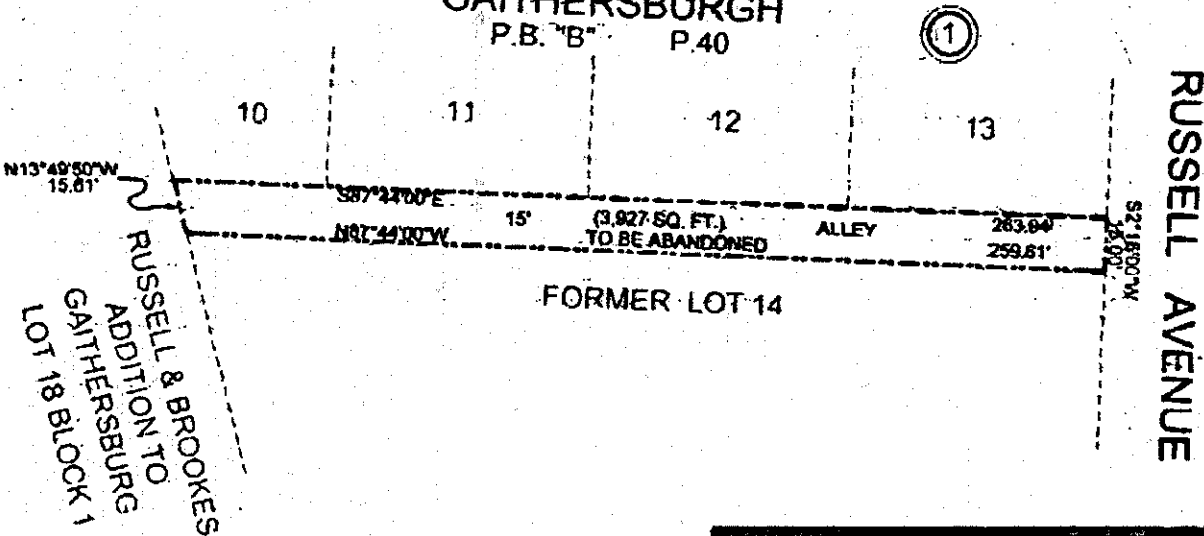
S 87°44'00"E - 263.94 feet to the south east corner of Lot 13 Block 1 also being the west right of way line of Russell Avenue, thence crossing said alley

S 02°16'00"W - 15.00 feet to the point of beginning containing 3,927 square feet of land more or less.



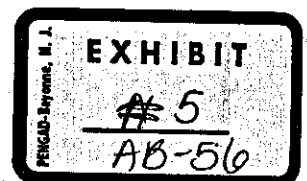


**RUSSELL & BROOKES  
ADDITION TO  
GAITHERSBURGH**  
P.B. "B" P. 40



REFERENCE P.B. "B" PLAT 40	PLAT OF PART OF 15' WIDE ALLEY BLOCK 1 <b>RUSSELL &amp; BROOKES ADDITION TO GAITHERSBURGH</b> ELECTION DISTRICT 12 MONTGOMERY COUNTY, MARYLAND SCALE 1" = 60' JUNE 16, 2003
	<b>THOMAS A. MADDOX</b> PROFESSIONAL LAND SURVEYOR 8833 SHADY GROVE COURT GAITHERSBURG, MARYLAND 20877 (301) 584-5804

30015 ALLEY







1310 North Court House Road, Floor 9  
Arlington, VA 22201

May 6, 2003

Mr. James R. Clifford  
Debelius, Clifford, Debelius  
Bonifant & Fitzpatrick, Chtd.  
Olde Towne Professional Park  
320 East Diamond Avenue  
Gaithersburg, Maryland 20877-3016

RE: Alley Abandonment; Russell Avenue, Gaithersburg, MD

Dear Mr. Clifford:

This letter serves to indicate our continued concurrence to proceed with the above-referenced alley closing.  
As always, if you have any questions, please feel free to call me at 703.974.4933.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Salino", with a long horizontal flourish extending to the right.

Jeffrey A. Salino  
Transaction Manager

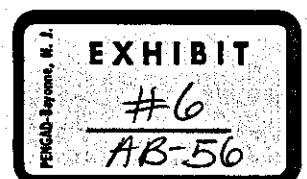


EXHIBIT "A"

Thomas Diehl  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Kathleen Donnelly  
8 Russell Avenue  
Gaithersburg, Maryland 20877

John and D.S. Lee  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Paul and E.S. Leon  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Joseph Lin  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Ruth Linthicum  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Mai Luu  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Regina Martin  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Alan Nichols  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Randolph Philipp  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Perlita Powers  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Justina Smith  
8 Russell Avenue  
Gaithersburg, Maryland 20877

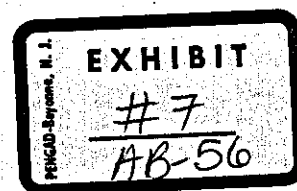
Joanne Stevens  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Judith Warner  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Dee Young  
8 Russell Avenue  
Gaithersburg, Maryland 20877

Kellye Young  
8 Russell Avenue  
Gaithersburg, Maryland 20877

P. Yuthasastrkosol  
8 Russell Avenue  
Gaithersburg, Maryland 20877



Copied from Liber LA. No 30 folio 98 v

MAP OF  
RUSSELL & BROOKES

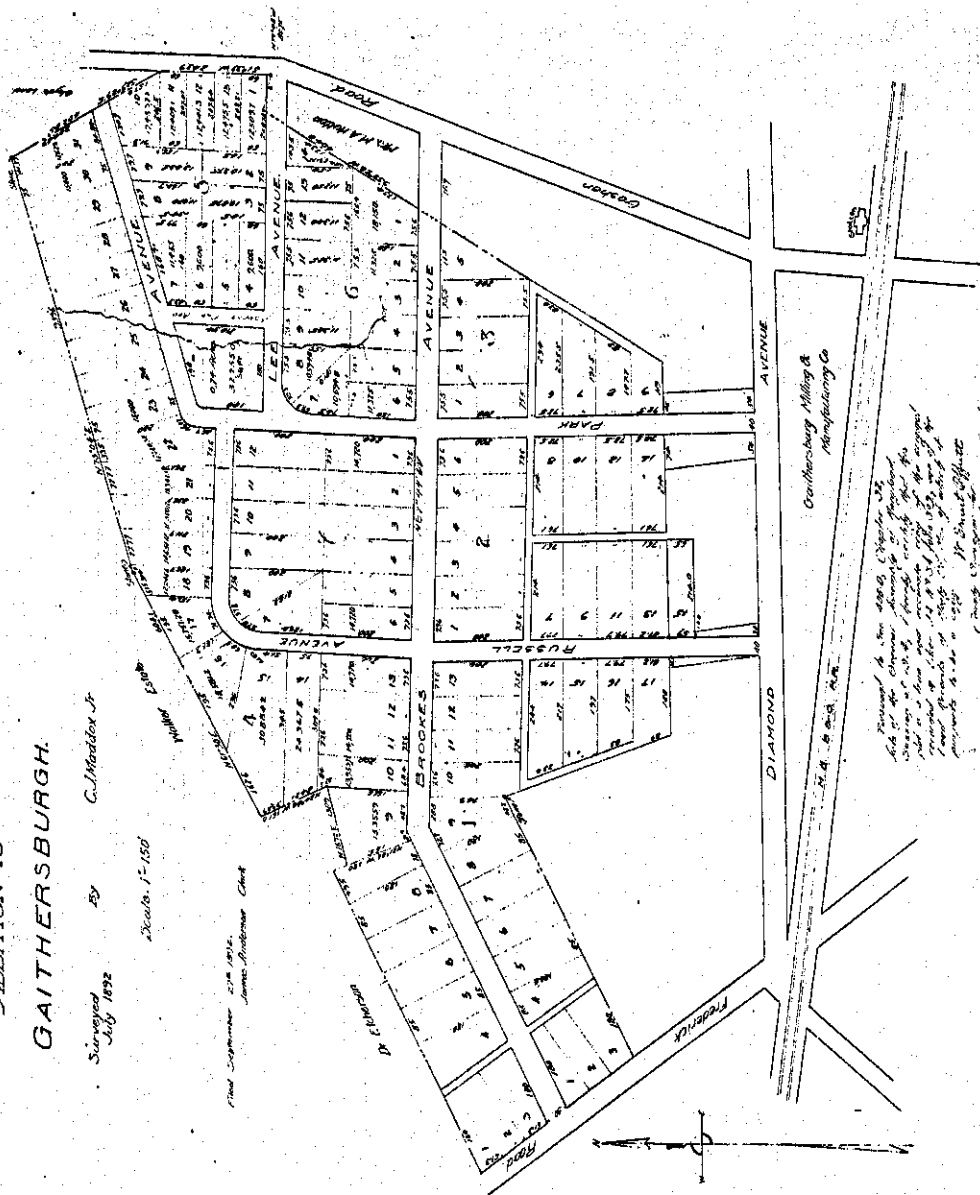
ADDITION TO

GAITHERSBURGH.

Surveyed  
July 1892

Scale.  $1^{\circ}-150'$ 

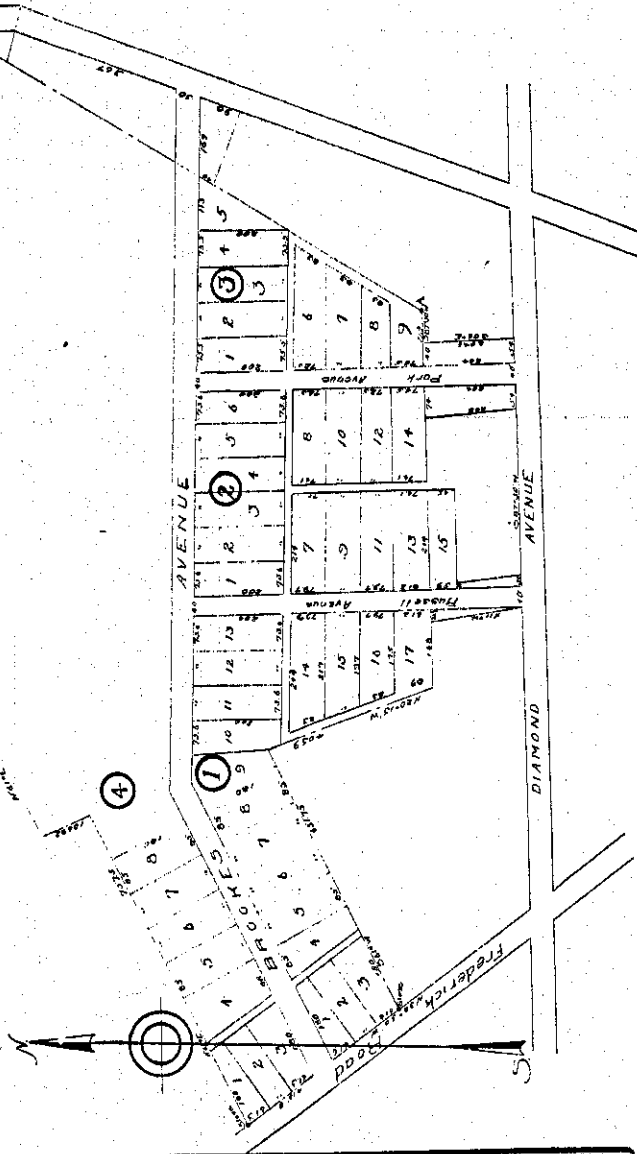
Filed September 27th 1936.  
James Underwood Clark

[illegible]

Copied From Liber J A 33 Folio 222

# RUSSELL & BROOKES

ADDITION TO  
GAITHERSBURG  
Montgomery County Maryland  
2 1/2 Miles From Washington  
300 ft. above Tide Water  
Surveyed by G. M. Anderson



Scale 1 inch 100 feet

Filed May 25 1892  
James H. Hester  
Clerk

Recorded to Sec. 400 B, Chapter 33, Act of Assembly of Maryland, Session of 1886, 1887 and 1888, and all subsequent acts, in accordance with the provisions of said acts, in the year 1892, at the City of Baltimore, Maryland.

Witness my hand and official seal this 25th day of May 1892.

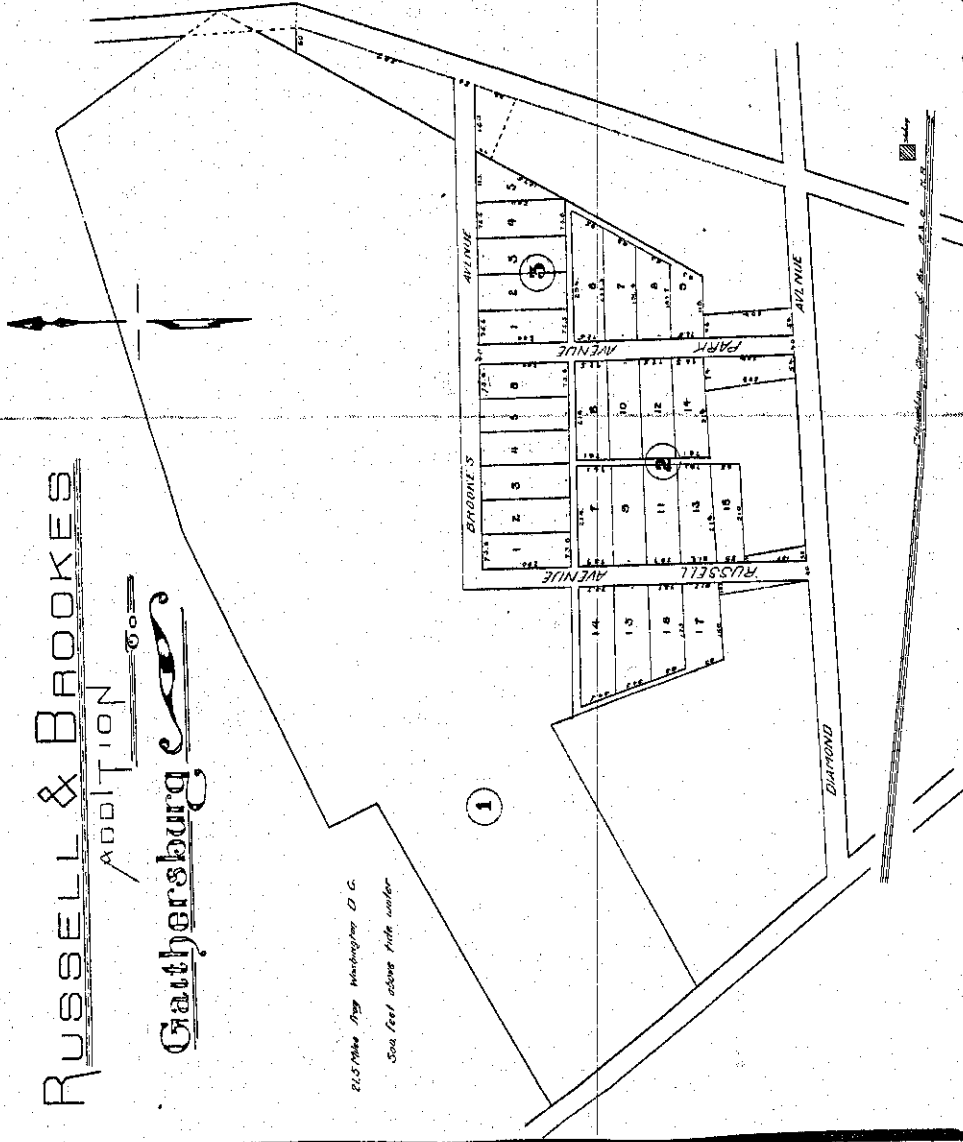
ct 2  
Book B, Plat 46

EXHIBIT  
#9  
AB 56

copied from Liber J.A. 103, folio 106

# RUSSELL & BROOKES ADDITION Gaithersburg

215 Miles High Washington D.C.  
Sea level above tide water



Platted to Sec. 10 of Chapter 19, Act of the General Assembly of Maryland, bearing of 1913, which reads: That the plat is to be and separate copy of the original recorded in Liber 103 is to be 100, and of the same of 1000, and of which it purports to be 1000.

Surveyed by G.M. Johnson.  
Scale 1" = 100'

City Engineer for Gaithersburg

City  
2A

Book A, Plat 16



PB 135  
PN 15646

**PLATING 1910**  
**CHANGES DECRYTION**

**PARCEL A**  
 100' x 100'  
 50' x 50' x 50' x 50'

**PARCEL B**  
 100' x 100'  
 50' x 50' x 50' x 50'

**CHANGES DECRYTION**  
 100' x 100'  
 50' x 50' x 50' x 50'

**PLATING 1910**  
**CHANGES DECRYTION**

**PARCEL A**  
 100' x 100'  
 50' x 50' x 50' x 50'

**PARCEL B**  
 100' x 100'  
 50' x 50' x 50' x 50'

**CHANGES DECRYTION**  
 100' x 100'  
 50' x 50' x 50' x 50'

**PLATING 1910**  
**CHANGES DECRYTION**

**PARCEL A**  
 100' x 100'  
 50' x 50' x 50' x 50'

**PARCEL B**  
 100' x 100'  
 50' x 50' x 50' x 50'

**CHANGES DECRYTION**  
 100' x 100'  
 50' x 50' x 50' x 50'

**PLATING 1910**  
**CHANGES DECRYTION**

**PARCEL A**  
 100' x 100'  
 50' x 50' x 50' x 50'

**PARCEL B**  
 100' x 100'  
 50' x 50' x 50' x 50'

**CHANGES DECRYTION**  
 100' x 100'  
 50' x 50' x 50' x 50'

Ordinance No. \_\_\_\_\_

AN ORDINANCE TO ABANDON, RELEASE, AND VACATE  
APPROXIMATELY 3,927 SQUARE FEET OF LAND  
PREVIOUSLY DEDICATED FOR A 15-FOOT WIDE ALLEY  
LOCATED ADJACENT TO LOTS 10-13 AND PARCEL A, BLOCK 1,  
OFF RUSSELL AVENUE, BETWEEN ITS INTERSECTION  
WITH EAST DIAMOND AND BROOKES AVENUES,  
IN THE RUSSELL AND BROOKES ADDITION,  
CITY OF GAITHERSBURG, MONTGOMERY COUNTY, MARYLAND

**ABANDONMENT AB-56**

WHEREAS, the applicants, Clifford, Debelius, Crawford, Bonifant & Fitzpatrick, Chtd., for Matthew & Maria Glinsmann, Francis & W. Corrigan, and Mary & M. Wiencek, Jr., as proper parties to initiate this abandonment, applied pursuant to Article III of Chapter 19 of the City of Gaithersburg Code for the abandonment of a portion of property dedicated to public use as reflected in Plat Book B as Plat Number 40 recorded among the Montgomery County Land Records; and

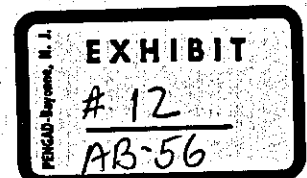
WHEREAS, the area of abandonment is a 15-foot wide alley lying adjacent to Lots 10 through 13 and Parcel A, Block 1, traversing in an east-west direction from the rear of Lot 18, Block 1, to Russell Avenue, between its intersection with East Diamond and Brookes Avenues, in the Russell and Brookes Addition to Gaithersburg; and

WHEREAS the alley to be abandoned is described herein by bearings and distances given in Exhibit "A," attached hereto and made a part hereof by this reference, and being said parcel of land as shown on a Map of Russell & Brookes Addition to Gaithersburg recorded in Plat Book B at Plat 40 among the land records of Montgomery County, Maryland, and being more particularly described as follows:

Description for part of a 15 foot wide alley adjacent to Lots 10 through 13, Block 1 as shown on the Map of Russell & Brookes Addition to Gaithersburg, recorded in Plant Book B at Plat 40 and Parcel A, Block 1 as shown on a plat of Russell & Brookes Addition To Gaithersburg recorded in Plat Book 135 at Plat Number 15646 among the land records of Montgomery County, Maryland and being more particularly described as follows:

Beginning for the same at the northeast corner of the aforementioned Parcel A Block 1 also being west right of way line of Russell Avenue and funning thence with the north line of said lot, also being the south line of an alley (15 feet wide) shown there, to the northwest corner of said lot and as eastward extension thereof

N 87°44' 00"W – 259.61 feet to intersect the east line of Lot 18, Block 1 of Russell & Brookes Addition as shown on a plat recorded in Plat Book 96 at Plat 10591 among the aforementioned land records; thence with a part of said east line



N 13°49'50"W – 15.61 feet to the north line of said alley, thence with said north line also being the south line of Lots 10 through 13, Block 1 of the aforementioned Map of Russell & Brookes Addition To Gaithersburg, thence

S 87°44'00"E – 263.94 feet to the south east corner of Lot 13, Block 1 also being the west of right of way line of Russell Avenue, thence crossing alley said

S 02°16'00"W – 15.00 feet to the point of beginning containing 3,927 square feet of land more or less.

WHEREAS, the existing alley does not provide the sole means of ingress or egress to any property, is unpaved and the applicants each use the portion of the alley adjoining their property as if under their ownership and control, and the need for such right-of-way which was originally dedicated as part of an old alley system within the City of Gaithersburg has not been demonstrated to be in use by the general public for access purposes and has remained unimproved since its dedication; and

WHEREAS, the Mayor and City Council find that the existing right-of-way is no longer necessary for present or anticipated future vehicular, pedestrian, or other right-of-way use by the general public, and does not provide the sole means of ingress and egress to any property; and

WHEREAS, the Mayor and Council find that there are no existing easements necessary for present or future use; and

WHEREAS, a duly advertised public hearing on said application was held by the Mayor and City Council on August 18, 2003, and the Planning Commission has submitted on August 6, 2003, a recommendation supporting the abandonment to the Mayor and City Council; and

WHEREAS, the Mayor and City Council have received no request for further hearings on this matter, and there have been no further objections to the abandonment; and

WHEREAS, the Mayor and City Council have concluded that no further hearings are necessary to resolve this matter:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of Gaithersburg, Maryland, that the above-described areas dedicated to public right-of-way use containing approximately 3,927 square feet of land are hereby abandoned, vacated, and released.

ADOPTED by the City Council of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2003.

---

SIDNEY A. KATZ, MAYOR and  
President of the Council



DELIVERED to the Mayor of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_, 2003.  
APPROVED/VETOED by the Mayor of the City of Gaithersburg this \_\_\_\_ day of \_\_\_\_\_,  
2003.

---

Sidney A. Katz, Mayor

THIS IS TO CERTIFY that the foregoing Ordinance was adopted by the City Council of Gaithersburg, in public meeting assembled, on the \_\_\_\_ day of \_\_\_\_\_, 2003, and the same was approved/vetoed by the Mayor of the City of Gaithersburg on the \_\_\_\_ day of \_\_\_\_\_, 2003. This ordinance will become effective on the \_\_\_\_ day of \_\_\_\_\_, 2003.

---

David B. Humpton, City Manager



*Gaithersburg*

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG  
31 South Summit Avenue  
Gaithersburg, Maryland 20877  
Telephone: 301-258-6330

### NOTICE OF PUBLIC HEARING

The City of Gaithersburg Mayor and Council and Planning Commission will conduct a public hearing at the time and place noted below.

**Meeting:** MAYOR AND CITY COUNCIL  
**Application Type:** ABANDONMENT  
**File Number:** AB-56  
**Location:** ALLEY ADJACENT TO LOTS 10-13 & PARCEL A, BLOCK 1  
OFF RUSSELL AVENUE  
**Applicant:** JIM CLIFFORD, ESQ., FOR GLINSMANNS, CORRIGANS, AND  
WIENSEKS  
**Development:** RUSSELL & BROOKES ADDITION TO GAITHERSBURG  
**Day/ Date/Time:** MONDAY, AUGUST 18, 2003, AT 7:30 P.M.  
**Place:** COUNCIL CHAMBERS, GAITHERSBURG CITY HALL  
31 SOUTH SUMMIT AVENUE

#### \*\*\*IMPORTANT\*\*\*

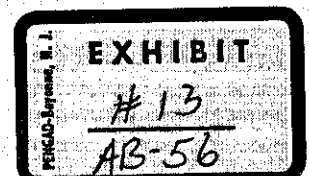
This is a proposal to abandon a 15-foot wide alley lying adjacent to Lots 10 through 13 and Parcel A, Block 1, off Russell Avenue, between its intersection with East Diamond and Brookes Avenues, in the Russell and Brookes Addition to Gaithersburg. This is the first public hearing in a series of public opportunities to participate. Contact the Planning and Code Administration City Planner (listed below) at (301) 258-6330 if you should have any questions and/or to learn more about this process and your ability to offer

Joint Mayor and City Council & Planning Commission meetings can be viewed live on Gaithersburg Cable Television Channel 13, and at anytime (on demand) two weeks after the public hearing via the Internet and Web TV at <http://www.ci.gaithersburg.md.us>.

CITY OF GAITHERSBURG

By: *Trudy M. Schwarz*  
Trudy Schwarz, Community Planning Director  
Planning and Code Administration

SEE LOCATION MAP ON REVERSE SIDE



NOTICES SENT THIS 8<sup>th</sup> DAY OF JULY, 2003, TO:

APPLICANT AND INTERESTED PARTIES

(A list of interested parties and agencies is available in the file in the Planning and Code Administration.)

MAYOR AND COUNCIL

PLANNING COMMISSION

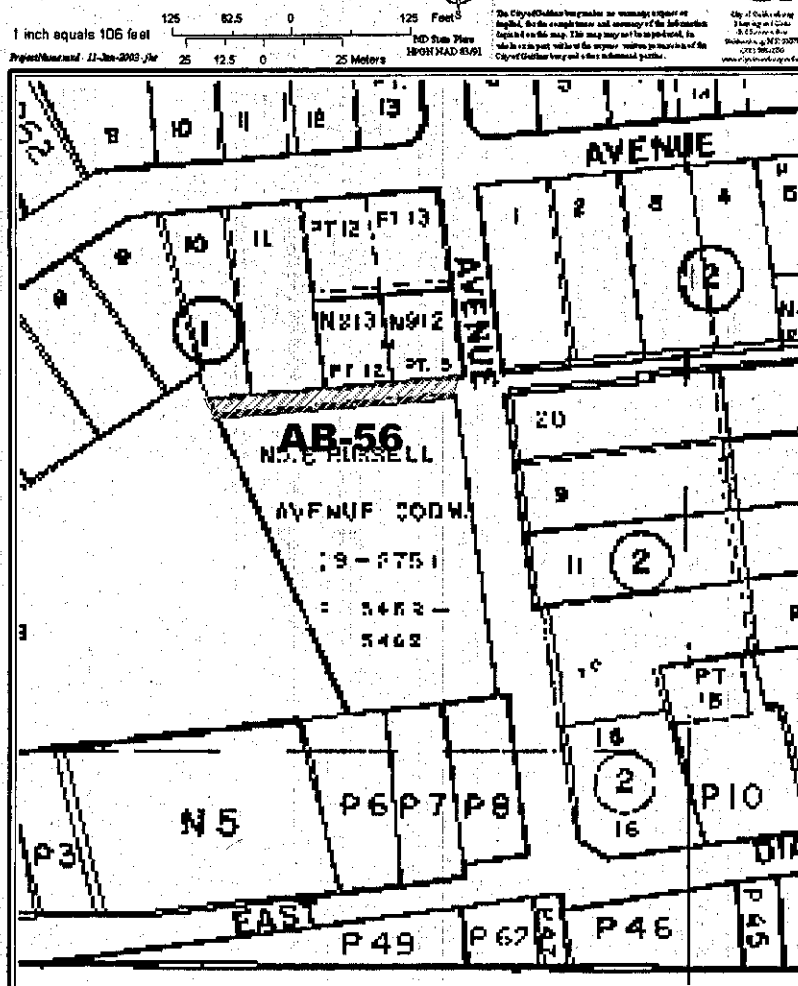
CITY STAFF

David B. Humpton, City Manager  
Frederick J. Felton, Assistant City Manager  
Tony Tomasello, Assistant City Manager  
Stanley D. Abrams, City Attorney  
Mary Beth Smith, Public Information Director  
Doris Stokes, Administrative Assistant  
Jeff Baldwin, City Web Administrator (via email)

**LOCATION MAP**

**Abandonment Application AB-56**

Alley between 8 and 12 Russell Avenue



ARPIMA L L C  
8 RUSSELL AVE # 104  
GAITHERSBURG MD 20877

ARTHUR L 3RD MCAULIFFE  
9 RUSSELL AVE  
GAITHERSBURG MD 20877

C RANDOLPH PHILIPP  
8 RUSSELL AVE #307  
GAITHERSBURG MD 20877

CLIFF CLIFFORD ESQ  
CLIFFORD DEBELIUS  
CRAWFORD BONIFANT & FITZPATRICK  
320 E DIAMOND AVE  
GAITHERSBURG MD 20877-3016

FIGUEREDO & NEDROW PTNSHP  
8 RUSSELL AVE #105  
GAITHERSBURG MD 20877

HERBERT M CULLIS  
BARBARA S KILBY  
9208 ROSE ANNE PL  
GAITHERSBURG MD 20877

JOHN T & D S LEE  
107 MIDSUMMER DR  
GAITHERSBURG MD 20878

JOSEPH Y LIN  
8 RUSSELL AVE #101  
GAITHERSBURG MD 20877

KENNETH D BUSCHE  
25 CHESTNUT ST STE B  
GAITHERSBURG MD 20877

KIRK M & R A BAUER  
306 POTOMAC ST  
ROCKVILLE MD 20850

MANAGEMENT OFFICE  
8 RUSSELL AVE  
GAITHERSBURG MD 20877

MARKTRUST ALEXANDER  
17301 GERMANTOWN RD  
GERMANTOWN MD 20874

MARY T COVELL  
5828 WINEGROVE CT  
DERWOOD MD 20855

OCCUPANT  
8 RUSSELL AVE UNIT 205  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE UNIT 211  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE UNIT 301  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE UNIT 101  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE UNIT 102  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE UNIT 103  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE SUITE 105  
GAITHERSBURG MD 20877

OCCUPANT  
11 RUSSELL AVE  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE SUITE 104  
GAITHERSBURG MD 20878

OCCUPANT  
7 RUSSELL AVE  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE SUITE 106  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE SUITE 107  
GAITHERSBURG MD 20877

OCCUPANT  
3 RUSSELL AVE SUITE D  
GAITHERSBURG MD 20877

OCCUPANT  
5 N FREDERICK AVE  
GAITHERSBURG MD 20877

OCCUPANT  
3 RUSSELL AVE SUITE F  
GAITHERSBURG MD 20877

OCCUPANT  
103 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
21 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
3 RUSSELL AVE SUITE G  
GAITHERSBURG MD 20877

OCCUPANT  
13 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
3 RUSSELL AVE SUITE E  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE UNIT 409  
GAITHERSBURG MD 20877

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OCCUPANT  
8 RUSSELL AVE UNIT 408  
GAITHERSBURG MD 20877

OCCUPANT  
12 RUSSELL AVE  
GAITHERSBURG MD 20877

OCCUPANT  
16 RUSSELL AVE  
GAITHERSBURG MD 20877

OCCUPANT  
15 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
17 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
101 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
105 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
7 RUSSELL AVE APT 1  
GAITHERSBURG MD 20877

OCCUPANT  
19 BROOKES AVE  
GAITHERSBURG MD 20877

OCCUPANT  
8 RUSSELL AVE UNIT 201  
GAITHERSBURG MD 20877

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8 RUSSELL AVE UNIT 202  
GAITHERSBURG MD 20877

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OCCUPANT  
8 RUSSELL AVE UNIT 303  
GAITHERSBURG MD 20877

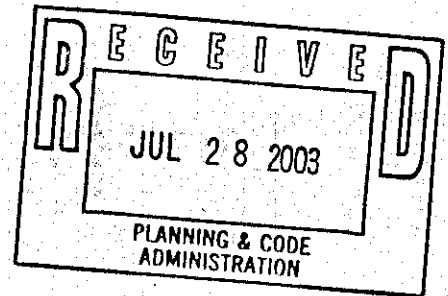
PAUL R & CANDACE NIESEN  
7 RUSSELL AVE  
GAITHERSBURG MD 20877

STEVEN B FULKROD  
288 HUNTERS RUN TER  
BEL AIR MD 21015

THOMAS J & R M DIEHL  
150 CHEVY CHASE ST APT 306  
GAITHERSBURG MD 20878

VERIZON MARYLAND INC  
1 E PRATT ST # 8N-20  
BALTIMORE MD 21202





Trudi Schwartz  
City of Gaithersburg  
Planning and Code Administration  
31 South Summit Avenue  
Gaithersburg, MD 20877

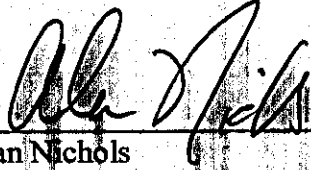
Re: Glinsmann Abandonment  
#AB-56

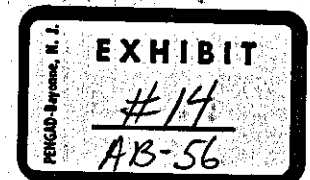
Dear Mrs. Schwartz:

On behalf of the condominium association for 8 Russell Avenue, please be advised that the Board of Directors has no objection to the proposed abandonment of the alleyway that adjoins the condominium property on the north and we further waive any rights we otherwise would have to claim ownership of the same.

Thank you and please call me with any questions you may have.

Sincerely,

 7/25/03  
\_\_\_\_\_  
Alan Nichols  
President, Board of Directors, 8 Russell Avenue  
Condominium Association







July 28, 2003

Karey Major, Law Section  
The Gaithersburg Gazette  
P.O. Caller 6006  
Gaithersburg, Maryland 20884

Dear Karey:

Please publish the following legal advertisement in the **July 30, 2003**, issue of the *Gaithersburg Gazette*.

Sincerely,

Trudy Schwarz, Community Planning Director  
Planning and Code Administration

ASSIGN CODE: PHAB-56 Acct# 133649

### NOTICE OF PUBLIC HEARING

The Mayor and Council of the City of Gaithersburg will conduct a public hearing on Abandonment Application AB-56, filed by Jim Clifford, Debelius, Crawford, Bonifant and Flitzpatrick, for Mr. & Mrs. Glinsmann, Mr. & Mrs. Corrigan, and Mr. & Mrs. Weincek, on

**MONDAY  
AUGUST 18, 2003  
AT 7:30 P.M.**

or as soon thereafter as this matter can be heard in the Council Chambers at 31 South Summit Avenue, Gaithersburg, Maryland.

The application requests abandonment of approximately 3,927 square feet of land dedicated for right-of-way for a 15-foot wide alley lying adjacent to Lots 10 through 13 and Parcel A, Block 1, off Russell Avenue, between its intersections with East Diamond and Brookes Avenues, in the Russell and Brookes Addition to the City of Gaithersburg, Montgomery County, Maryland.

Further information may be obtained from the Planning and Code Administration Department at City Hall, 31 South Summit Avenue, between the hours of 8 a.m. and 5 p.m., Monday through Friday.

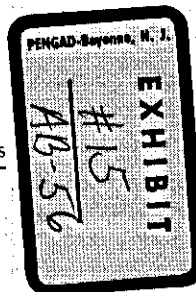
Trudy Schwarz, Community Planning Director  
Planning and Code Administration

City of Gaithersburg • 31 South Summit Avenue, Gaithersburg, Maryland 20877-2098  
301-258-6300 • FAX 301-948-6149 • TTY 301-258-6430 • cityhall@ci.gaithersburg.md.us • www.ci.gaithersburg.md.us

MAYOR  
Sidney A. Katz

COUNCIL MEMBERS  
Stanley J. Alster  
Geraldine E. Edens  
Henry F. Marraffa, Jr.  
John B. Schlichting  
Ann T. Somerset

CITY MANAGER  
David B. Humpton



**COMMUNICATION: PLANNING COMMISSION**

**MEMORANDUM TO:** Planning Commission

**FROM:** Trudy M.W. Schwarz, Community Planning Director

**DATE:** August 1, 2003

**SUBJECT:** AB-56 -- The application requests abandonment of approximately 3,927 square feet of land dedicated for right-of-way for a 15-foot wide alley lying adjacent to Lots 10 through 13 and Parcel A, Block 1, off Russell Avenue, between its intersections with East Diamond and Brookes Avenues, in the Russell and Brookes Addition to the City of Gaithersburg, Montgomery County, Maryland.

**APPLICANT:**

Jim Clifford, Debelius, Crawford, Bonifant and Flitzpatrick, for Matthew and Maria Glinsmann, Francis and W.L. Corrigan, and Mary and Michael Weincek

**REQUEST:**

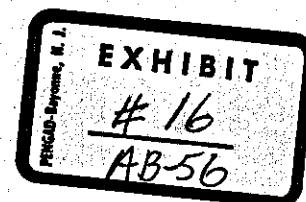
The application requests abandonment of approximately 3,927 square feet of land dedicated for right-of-way for a 15-foot wide alley lying adjacent to Lots 10 through 13 and Parcel A, Block 1, off Russell Avenue, between its intersections with East Diamond and Brookes Avenues, in the Russell and Brookes Addition to the City of Gaithersburg, Montgomery County, Maryland.

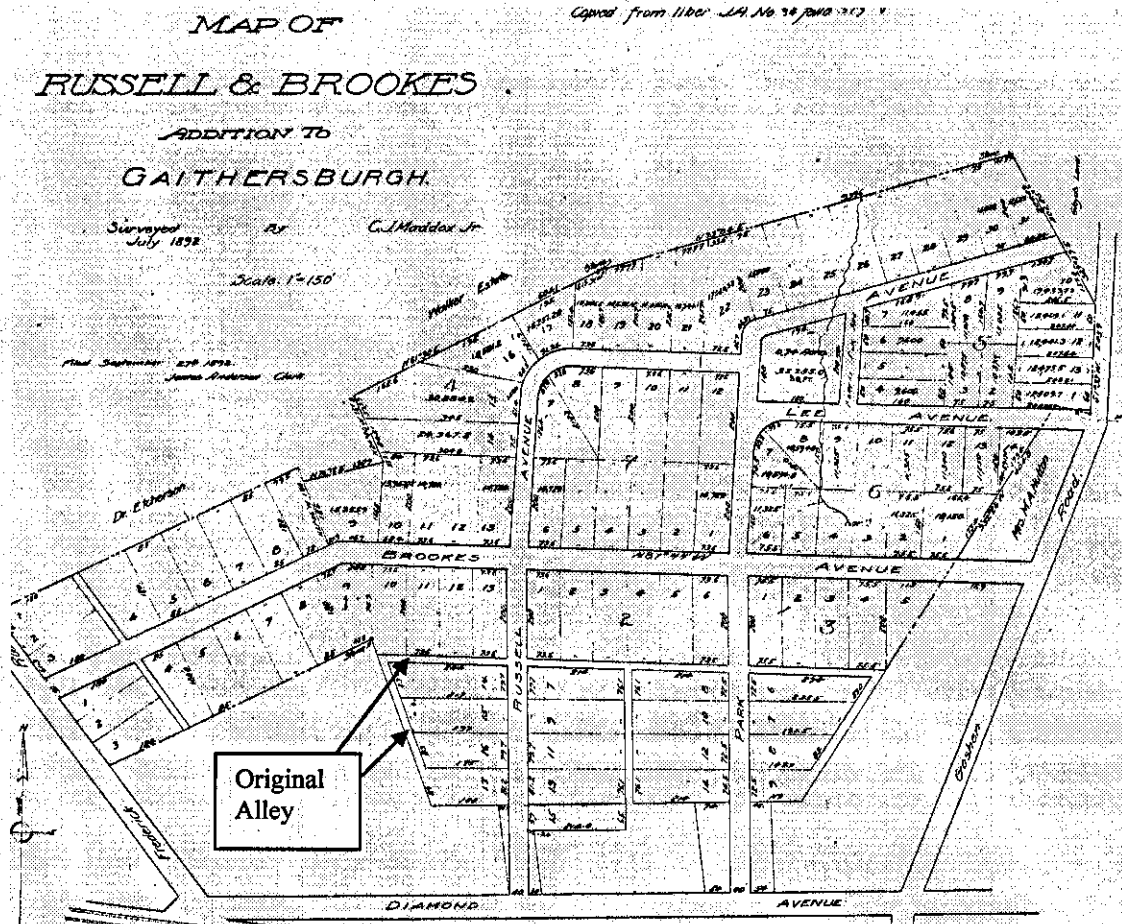
**LOCATION:**

Russell and Brookes Addition to Gaithersburg  
Olde Towne area of Gaithersburg  
Russell and Brookes/Walker Historic District

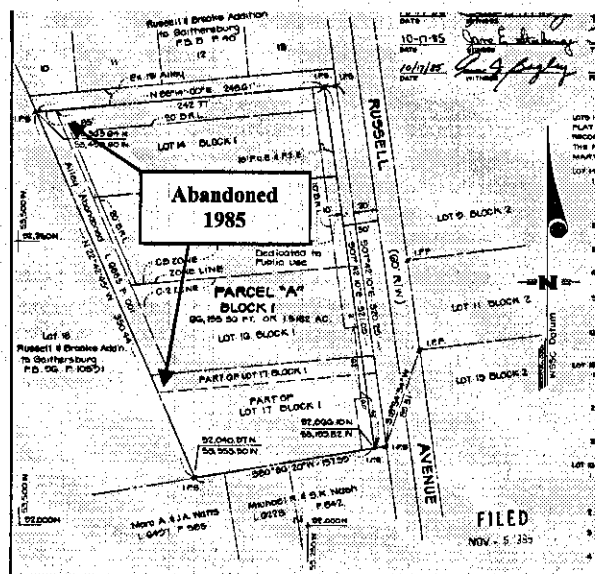
**BACKGROUND:**

This alley was dedicated in 1892 for access to the rears of the applicants' lots and Lots 14, 15, 16 and 17, Block One. See the map on the next page





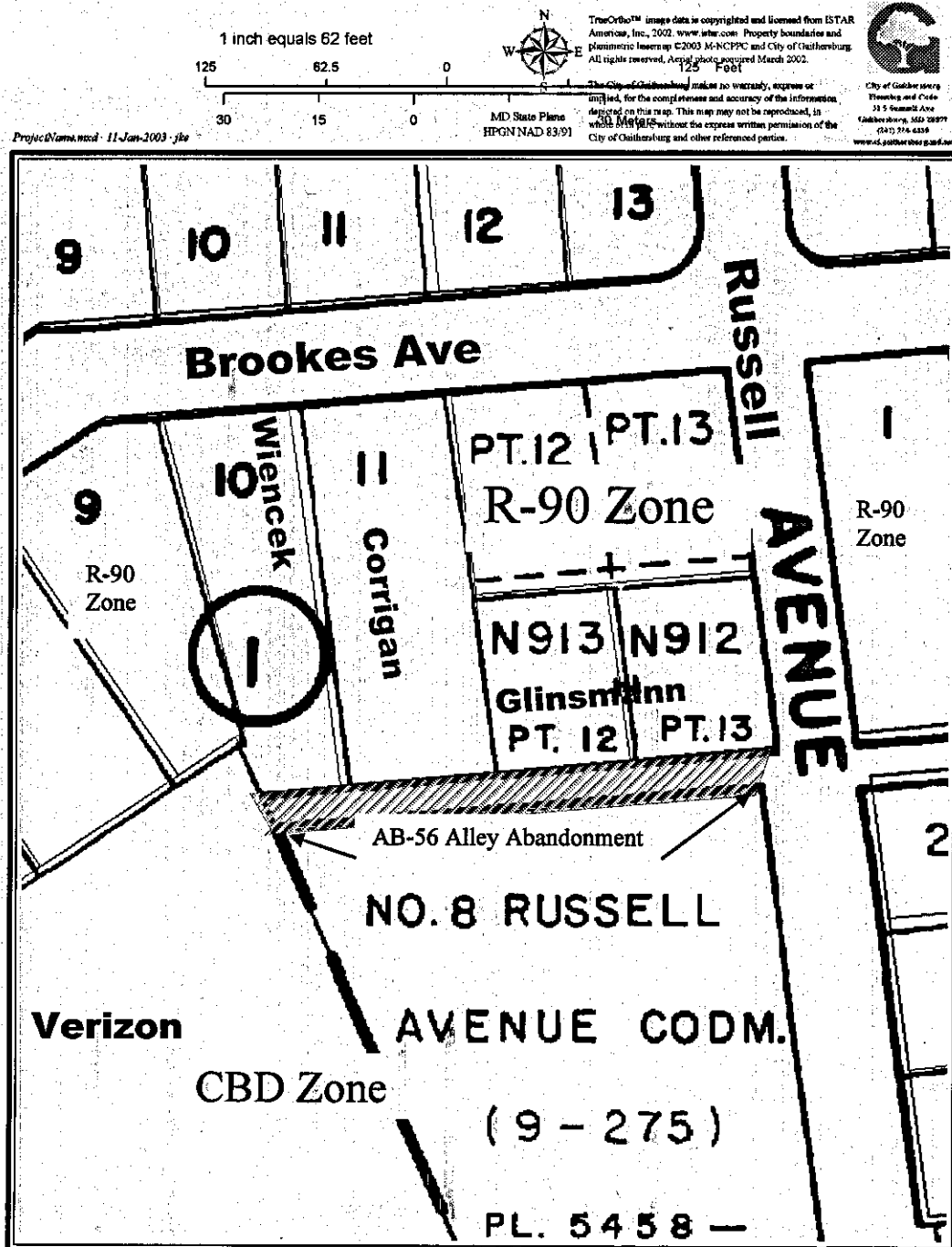
**1892 Subdivision Plat**



**1985 Resubdivision Plat**

A portion of the alley was abandoned in 1985 and was included in a resubdivision plat and became known as Parcel A, Block 1. The subject portion of the alley of this abandonment request was not abandoned at that time at the request of the Burdette family which owned the Pt. of Lots 12 and 13 next to the alley.

This application was filed on June 17, 2003 by Mr. Clifford for the applicants listed above, whose property abuts the alley proposed to be abandoned. Below is a map showing each of the properties and the alley proposed to be abandoned.



**ADJACENT LAND USE AND ZONING:**

As shown in the previous map, the zoning of the property north of the alley is R-90 (Medium Density Residential) and contains single family residences. The property to the south of the alley is zoned CBD (Central Business District). One building contains the offices for the local telephone provider, Verizon, and immediately south is a mixed use building with condominium apartments on the upper floors and office/retail on the ground level.

**ROADWAY CLASSIFICATION:**

This is an alley which is fifteen feet in width. The required ROW width for an alley in accordance with the Streets and Sidewalks, Chapter 19 of the City Code, is 15 feet for a one-way alley and 25 feet for a two way alley.

**STAFF ANALYSIS:**

Chapter 19 of the City Code, Streets and Sidewalks, sets forth procedures for abandonment of public rights-of-way in Article III. The Planning Commission is required to make a recommendation to the City Council prior to their public hearing.

The City Council may abandon the right-of-way if it shall find from the evidence of record that the right-of-way is no longer necessary for present or anticipated future public use. No right-of-way which provides the sole means of ingress and egress to any property may be abandoned by action of the council without the written consent of the owner of such property.

Notices for this abandonment were sent out on July 8, 2003, in an effort to receive comments from both the public and the utilities prior to the public hearing (40 days). As part of the application submittal, a letter from Verizon was submitted stating that it allows the applicants to file the petition.

Staff has not received any comments from the utilities concerning this abandonment. At this time the applicant's surveyor has not shown any utilities within the area to be abandoned and staff is not aware of any.

The Department of Public Works, Park Maintenance and Engineering (DPWPM&E) reviewed this request and stated that they have no reasons to retain the right of way. Abandonment of this area would not eliminate the sole means of ingress or egress of any properties. This alley is no longer necessary for present or anticipated future public use.

**STAFF RECOMMENDATION:**

Staff recommends Mayor and City Council hold the record open for ten days (August 28, 2003). This will allow time for the utilities to respond. This would be scheduled for Policy Discussion at the September 2, 2001, Mayor and Council Meeting.

## STATEMENT OF BASIS FOR REQUEST FOR ABANDONMENT

The subject Alley is located between 8 Russell Ave and 12 Russell Ave. midway between Diamond Ave. and Brookes Ave. It is approximately 260 feet long and 15 feet wide. In 1985 the City Council approved the abandonment of the second leg of this Alley where it turned behind the 8 Russell Ave. Condo buildings and emptied out onto Diamond Ave. Although the Alley is easily located it has no road surface and so appears as a side yard at this time.

The first 147.2 feet of the Alley closest to Russell Ave. has been in the exclusive use of the Burdette family for many years. The remaining 113 feet adjoins the backyards of Lots 10 and 11 and those two lots are accessed from and front on Brookes Ave. Lot 10 is owned by the Wienceks and Lot 11 by the Corrigan's, both have joined in this request for abandonment. It is the intention of all three Applicants to claim the portion of the Alley that adjoins each of their lots.

The 8 Russell Ave. Condominium Association borders the Alley on the opposite side and has agreed to this abandonment. There is a letter in the record from the President of the Association agreeing to the abandonment. The 8 Russell Ave. Condo Association has expressed no interest in making a claim of ownership for any portion of this Alley.

Verizon owns the former C&P Telephone site where this Alley now dead-ends. There is a letter in the record from Verizon's Transaction Manager agreeing to the abandonment. Verizon has expressed no interest in making a claim of ownership for any portion of this Alley. Verizon accesses their property from the frontage road that adjoins the other side of their property.

All abutting and adjacent property owners have either joined in with or have agreed to this abandonment.

One of the three Applicants, the Glinsmans, recently purchased the property located at 12 Russell Ave. from the Burdette family. The title to the property had been in the Burdette family since the early 1900's. The home on the property was vacant for many years and in bad repair. The Glinsmans purchased the property to restore the house and to add a carriage house behind the existing home. There is no room for a garage or even a parking area other than on the Alley which has been used for parking by the Burdettes since their first automobile was purchased in early 1900's. The need for the abandonment relates to the fact that the site is very tight on the Alley's side of the property. The existing home sits just off the Alley and so there is very little room between the extended side porch of the house and the Alley.

It is the intent of the Glinsmans to use their part of the Alley to accommodate their site development which in part will provide a driveway and parking behind the existing house to serve the existing home and the new carriage house. The result will be to relocate the parking area to the rear of the house instead of in the front. With the additional 15 feet there will be room to pass the house and gain access to the rear yard.

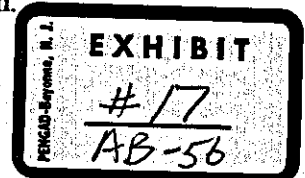
It was suggested by the City staff that the Glinsmans ask the Wienceks and the Corrigan's to join in this Application so the entire Alley would be abandoned by this action.

### *Law Offices of*

Clifford, DeBellus,  
Crawford, Bonifant  
& Fitzpatrick, Chtd.

320 E. DIAMOND AVE.  
GAITHERSBURG, MD 20877-3016

PHONE: (301) 840-2232  
FAX: (301) 975-9829



**COMMUNICATION: PLANNING COMMISSION**

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**MEMORANDUM TO:** Mayor and City Council

**VIA:** David Humpton, City Manager

**FROM:** Trudy Schwarz, Community Planning Director

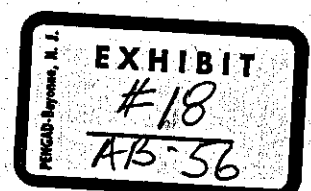
**DATE:** August 6, 2003

**SUBJECT:** AB-56 -- Debelius, Crawford, Bonifant and Flitzpatrick, for Mr. & Mrs. Glinsmann, Mr. & Mrs. Corrigan, and Mr. & Mrs. Weincek  
Abandonment of approximately 3,927 square feet of land dedicated for right-of-way for a 15-foot wide alley lying adjacent to Lots 10 through 13 and Parcel A, Block 1, off Russell Avenue, between its intersections with East Diamond and Brookes Avenues, in the Russell and Brookes Addition to the City of Gaithersburg, Montgomery County, Maryland.

At its regular meeting on August 6, 2003, the Planning Commission made the following motion:

Commissioner Hicks moved, seconded by Commissioner Bauer, to recommend to the City Council APPROVAL of Abandonment Application AB-56.

Vote: 5-0



Planning Director \_\_\_\_\_ Jennifer Russel \_\_\_\_\_